

AMENDED IN SENATE FEBRUARY 18, 2010

CALIFORNIA LEGISLATURE—2009—10 EIGHTH EXTRAORDINARY SESSION

**ASSEMBLY BILL**

**No. 12**

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**Introduced by Committee on Budget (Evans (Chair), Arambula, Beall, Blumenfield, Brownley, Carter, Chesbro, De La Torre, Feuer, Hernandez, Hill, Huffman, Monning, Ruskin, and Swanson)**

January 15, 2010

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*An act relating to the Budget Act of 2009. An act to amend Section 8879.53 of the Government Code, relating to port and maritime security, and making an appropriation therefor.*

LEGISLATIVE COUNSEL'S DIGEST

AB 12, as amended, Committee on Budget. ~~Budget Act of 2009. Port and maritime security: grant program: extension.~~

*Existing law, the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006, makes specified bond proceeds available, upon appropriation by the Legislature, to the California Emergency Management Agency (Cal EMA) as grants for port, harbor, and ferry terminal security improvements. Existing law authorizes the agency to distribute these funds to eligible grant recipients, as prescribed.*

*This bill would provide that the unencumbered balance of any funds appropriated to the agency for purposes of these grants prior to June 30, 2009, remain available to the agency for encumbrance until June 30, 2012. By increasing the duration of an existing appropriation, this bill would make an appropriation.*

*This bill would also make technical, conforming changes.*

~~This bill would express the intent of the Legislature to enact statutory changes relating to the Budget Act of 2009.~~

The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on January 8, 2010.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on January 8, 2010, pursuant to the California Constitution.

Vote: majority. Appropriation: ~~no~~-yes. Fiscal committee: ~~no~~ yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 8879.53 of the Government Code is
- 2     amended to read:
- 3     8879.53. (a) Funds for the program contained in paragraph
- 4     (3) of subdivision (c) of Section 8879.23 shall be deposited in the
- 5     Port and Maritime Security Account, which is hereby created in
- 6     the fund.
- 7     (b) Funds in the account shall be available to the ~~Office of~~
- 8     ~~Homeland Security (OHS), within the Office of Emergency~~
- 9     ~~Services California Emergency Management Agency (Cal EMA),~~
- 10    upon appropriation by the Legislature. Funds shall be made
- 11    available as grants to eligible applicants, as defined in paragraph
- 12    (3) of subdivision (c) of Section 8879.23, for capital projects that
- 13    include, but are not limited to, those projects described in paragraph
- 14    (3) of subdivision (c) of Section 8879.23.
- 15    (c) Prior to allocating funds to projects from the account, ~~the~~
- 16    ~~OHS~~ agency shall adopt guidelines to establish the criteria and
- 17    process for the distribution of funds. At least 30 days prior to
- 18    adopting the guidelines, ~~the OHS~~ agency shall hold a public hearing
- 19    on the proposed guidelines and shall provide opportunity for public
- 20    review and comment.
- 21    (d) In allocating funds from the account, ~~the OHS~~ agency shall
- 22    do the following:
- 23    (1) Address the state's most urgent maritime security needs.
- 24    (2) Balance the demands of the various ports (between large
- 25    and small).

1 (3) Provide reasonable geographic balance in the distribution  
2 of funds.

3 (e) *The unencumbered balance of any funds appropriated to*  
4 *the agency prior to June 30, 2009, for purposes of this section,*  
5 *shall remain available to the agency for encumbrance pursuant*  
6 *to this section until June 30, 2012.*

7 ~~(e) The OHS's~~

8 (f) *The agency's activities to implement this section shall be*  
9 *incorporated into the report to the Legislature required in paragraph*  
10 *(3) of subdivision (c) of Section 8879.23.*

11 ~~SECTION 1. It is the intent of the Legislature to enact statutory~~  
12 ~~changes relating to the Budget Act of 2009.~~

13 SEC. 2. This act addresses the fiscal emergency declared by  
14 the Governor by proclamation on January 8, 2010, pursuant to  
15 subdivision (f) of Section 10 of Article IV of the California  
16 Constitution.

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